DOCUMENT RESUME

ED 192 503 EC 130 165

TITLE Program for Exceptional Children: Regulations and Procedures.
INSTITUTION Georgia State Dept. of Education, Atlanta. Office of Instructional Services.
PUB DATE 78
NOTE 63p.

EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Disabilities; *Due Process; Elementary Secondary Education; Federal Legislation; *Gifted; *Legislation; *Program Design; State Legislation; *State Programs
IDENTIFIERS *Georgia

ABSTRACT

The document reviews state of Georgia and federal law regarding the provision of special education programs for exceptional children and youth and outline procedures for providing those programs. Section I presents a summary of Georgia Chapter 32-6A, particularly the sections which address establishment of other special programs of education; allotment of teachers and other personnel; sharing of costs; transportation; public libraries; calculated cost of instructional services; and coordination with other agencies. A second section lists procedural safeguards for general provisions (such as communications to parents), due process, least restrictive environment, nondiscriminatory testing and placement, and confidentiality. Section III focuses on general provisions for establishing a program; various delivery models; facilities, equipment, and materials; and transportation. A fourth section states definition, eligibility and placement, enrollment, and facilities for 11 program areas: mental retardation; behavior disorders; specific learning disabilities; visual impairment; hospital/home instruction; speech impairment; physical, multiple, and other health impairment; hearing impairment; audiology; intellectual giftedness; and deaf blind. Three special programs--the Grant Program for the Handicapped Children, the Psychoeducational Centers for the Severely Emotionally Disturbed, and the Georgia Learning Resources System--are described in a fifth section. The document concludes with appended materials which include parental consent forms, notification and authorization forms, and definitions. (SBH)

**********
* Reproductions supplied by EDRS are the best that can be made *
* from the original document. *
**********

U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

ED192503

# Program For Exceptional Children

## Regulations and Procedures

"PERMISSION TO REPRODUCE THIS MATERIAL HAS BEEN GRANTED BY
A. Moughon
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)."

EC130165

Georgia Department of Education

# PROGRAM FOR EXCEPTIONAL CHILDREN
## Regulations and Procedures

EDUCATION INFORMATION CENTER
STATE DEPARTMENT OF EDUCATION
ATLANTA, GEORGIA 30334

SEP 27 1979

Office of Instructional Services
Division of Special Programs
Georgia Department of Education
Atlanta, Georgia 30334

Charles McDaniel
State Superintendent of Schools

1978

JUN 13 1980

## TABLE OF CONTENTS


I. **The Law** ..... i

II. **Procedural Safeguards**

A. General Provisions
1. Communications to Parents ..... 1
2. Testing – Limitations ..... 1
3. Procedures and Forms ..... 1
4. Rights to be Accompanied ..... 1
5. Referral for Evaluation ..... 2

B. Due Process
1. Evaluation ..... 2
2. Initial Placement ..... 3
3. Hearing Process ..... 5
4. Surrogate Parents ..... 8

C. Least Restrictive Environment
1. Program Alternatives ..... 9
2. Procedures .....
3. Provisions .....

D. Non-discriminatory Testing and Placement ..... 10

E. Confidentiality
1. Access Rights ..... 11
2. Hearing Rights ..... 12
3. Consent ..... 13
4. Safeguards ..... 13
5. Destruction of Data ..... 14

III. **General Provisions**

A. Provisions for Establishing a Program
1. Comprehensive Plan ..... 15
2. Special Education Advisory Committee ..... 15
3. Special Education Placement Committee ..... 17
4. Individualized Education Program ..... 18
5. Age Ranges ..... 18
6. Program Completion ..... 18

B. Delivery Models
1. Categorical Resource Program ..... 19
2. Interrelated Resource Program ..... 19
3. Crisis Intervention Program ..... 20
4. Self-contained Program ..... 20
5. Modified Self-contained Program ..... 20
6. Special Day School Program ..... 20
7. Multi system Program ..... 21
8. Residential Program ..... 21
9. Related Vocational Instruction Program ..... 21

C. Facilities, Equipment and Materials ..... 21

D. Transportation ..... 22

## IV. Program Areas


A Mental Retardation
1. Definition ..... 23
2. Eligibility and Placement ..... 23
3. Enrollment ..... 24
4. Facilities ..... 25

B. Behavior Disorders
1. Definition ..... 26
2. Eligibility and Placement ..... 26
3. Enrollment ..... 26

C. Specific Learning Disabilities
1. Definition ..... 27
2. Eligibility and Placement ..... 27
3. Enrollment ..... 29

D. Visually Impaired
1. Definition ..... 30
2. Procedures ..... 30
3. Enrollment ..... 31
4. Facilities, Equipment, Materials ..... 31

E. Hospital/Home Instruction
1. Definition ..... 32
2. Eligibility and Placement ..... 32
3. Delivery Models ..... 32
4. Facilities, Equipment and Materials ..... 32

F. Speech Impaired
1. Definition ..... 33
2. Placement and Eligibility ..... 33
3. Continuum of Services ..... 33
4. Delivery Models ..... 34

G. Physically, Multiply Handicapped and Other Health Impaired
1. Definition ..... 35
2. Eligibility and Placement ..... 35
3. Enrollment ..... 36
4. Facilities and Equipment ..... 36

H. Hearing Impaired
1. Definition ..... 37
2. Eligibility and Placement ..... 37
3. Enrollment ..... 37
4. Facilities ..... 37

I. Audiology
1. Role of the Audiologist ..... 38
2. Establishment of Staffing and Program Needs ..... 38

J. Intellectually Gifted
1. Definition ..... 40
2. Eligibility and Placement ..... 40
3. Delivery Models and Enrollment ..... 40

K. Deaf-Blind ..... 42


## V. Special Programs


A. Grant Program for the Handicapped Children
1. Authorization ..... 43
2. Appropriation ..... 43

B. Psychoeducational Centers for the Severely Emotionally Disturbed ..... 45
1. Definition of Children to be Served ..... 45
2. Eligibility and Placement ..... 45
3. Regulations and Procedures ..... 45
C. Georgia Learning Resources System ..... 50

IV. Appendices

A. Parental Consent for Evaluation ..... 51
B. Parental Consent for Placement ..... 53
C. Notification of State Hearing Review Board Meeting ..... 55
D. Notification of Local Mediation ..... 56
E. Authorization to Release Information ..... 57
F. Definitions ..... 58

## I. THE LAW

Chapter 32-6A. Adequate Program for Education in Georgia.
Code of Georgia Annotated (1974, 1975)

**Section 5. Special Education**

(a) All children and youth who are eligible for the general education program, preschool education, or who have special educational needs and three- and four-year-old children who are either physically, mentally or emotionally handicapped or perceptually or linguistically deficient shall also be eligible for special education services. Children, ages zero to five years, whose handicap is so severe as to necessitate early education intervention may be eligible for special education services. Children and youth with special needs are those who have emotional, physical, communicative, or intellectual deviations, or a combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment and who require modifications or alterations in their educational programs. This definition includes children who are intellectually gifted, mentally retarded, physically handicapped, speech handicapped, behaviorally disordered, hospital or homebound, handicapped by a specific learning disability, multi-handicapped, autistic, hearing impaired, visually impaired and any other areas of special needs which may be identified. The State Board of Education shall adopt classification criteria for each area of special need to be served on a Statewide basis, both for students to be served in a self-contained setting and those who can be served effectively in the regular classroom by itinerant personnel.

(b) Local units of administration shall, subject to any limitations hereinafter specified, provide a special education program for all students with special needs who are residents of their school systems, either by establishing and maintaining such educational facilities and employing such professional workers as are needed by these students or by entering into a contract with other school systems or Cooperative Educational Service Agencies for such services.

(c) The State Board of Education shall have the authority to provide educational and training services for children who have special educational needs such as emotional, physical, communicative, or intellectual deviations, or any combination thereof, to the degree that there is interference with school achievements or adjustments, or prevention of full academic attainment, and who require modifications or alterations in their educational programs. This definition includes children who are mentally retarded, physically handicapped, speech handicapped, multiple handicapped, autistic, intellectually gifted, hearing impaired, visually impaired, and any other areas of special needs which may be identified. The State Board of Education may provide such educational and training services by

(1) Contracting with or making grants to suitable private or public institutions, or with both public and private institutions, inside or outside the State of Georgia, for the provision of such services;

(2) Contracting with suitable public agencies and departments, including institutions in which eligible children are confined and outpatient centers serving eligible children, inside and outside the State of Georgia, for the provision of such services; or

(3) Entering into reciprocal agreements with other states or political subdivisions thereof for the provision of such services.

(d) The State Board of Education may promulgate any rules, regulations and standards and establish the terms and conditions governing the provision of State aid hereunder and perform any and all acts necessary or proper to carry out the provisions, intent and purpose of this Section.

(e) It is further provided that every child and youth eligible for special education services shall have access to a quality program on or before two years after the date this Act becomes law.

**Section 9. Establishment of Other Special Programs of Education; Allotment of Teachers and Other Personnel; Sharing of Costs**

(a) The State Board of Education shall have authority to provide for implementation of other educational programs not ordinarily coming within the prescribed curricula of the public schools, which may or may not require use by local units of additional specially qualified personnel and special equipment necessitating allotment of additional personnel and funds. The State Board is authorized to establish priorities, standards and criteria for implementation and operation of such programs as the Board may, in its discretion, find necessary or desirable to implement on a statewide basis. Local units may, prior to implementation of such programs by the State Board, implement such programs locally in accordance with criteria and standards prescribed by the State Board. The State Board shall, upon implementation of such programs, establish a uniform basis for allotment of additional personne and funds if such additional allotments are necessary for operation of such programs.

(b) The State Board of Education shall annually determine the amount of funds needed for operation of the State schools for the deaf and blind and such other special schools for exceptional persons as may be established by the State Board of Education. Such funds shall be made available for the operation of these schools under rules and regulations prescribed by the State Board of Education.

(c) The State Board of Education shall annually determine the amount of funds needed for elementary and secondary programs operated within correctional institutions, hospitals, mental institutions and other such programs. The State Board of Education shall annually allot additional funds to local units of administration wherein State boards maintain an institution primarily for the detention of persons within school age, and operate within such institution an elementary, secondary or vocational school for the education of such school age children, which shall be sufficient to enable the local unit to furnish certified teachers and other professional personnel to school and institution in accordance with the State minimum salary schedule; provided, however, that the course of instruction offered in such school shall meet minimum academic requirements and standards prescribed for operation of the public schools of the local unit. The State Board is authorized, in its discretion, to make an allotment of additional funds to the local unit for employment of such teachers and other professional personnel for an additional two months during the fiscal school year where the school in such institution is operated on a 12-month basis.

**Section 25. Transportation**

(a) The amount of funds needed by a county, area school, or independent school system to pay expenses of pupil transportation shall be calculated by the State Board of Education in

accordance with a schedule of standard transportation costs to be incurred by local units of administration in the operation of economical and efficient pupil transportation programs and a schedule of variable transportation costs or variable cost factors dependent upon circumstances prevailing in the several local units of administration which affect, in varying ways, the costs of pupil transportation authorized by this Section; provided, however, that the amount of funds to be actually distributed to any local unit of administration under provisions of this Section during any school year shall not exceed the actual costs incurred by the local unit in transporting pupils to and from public schools, and costs of transporting to preschool programs all handicapped students either by minibus or other such transportation used by non-handicapped children, including costs for transportation for handicapped children who must travel across county lines or away from their own school district within the State. It is further provided that the costs of the regular pupil transportation program receive full funding before funds are provided for transportation of students to and from places for the purpose of work experiences, training in instructional laboratories, and in other such field trips required of or integral to the various instructional components of the educational program. In establishing the schedule of standard and variable pupil transportation costs or cost factors for the purpose of allotting funds under this Section, the State Board is, without limiting the generality of the foregoing, authorized to consider facts and circumstances such as the number and density of pupils transported in the local unit and the areas therein served by school busses, the suitability of school bus routes in the local unit, the suitability of the type and number of busses used by the local unit, the number of miles traveled by school busses in the local unit, minimum bus loads, transportation surveys, cost of transportation equipment and depreciation schedules therefor, the schedule of minimum salaries for school bus drivers established in accordance with subsection (b) of this Section, the number of school bus drivers allotted to the local unit, maintenance, repair and operating costs of transportation equipment, climate and terrain, condition of roads used for the purpose of transporting pupils in the local unit, cost of liability insurance, cost of safety instruction and training for both bus drivers and students and such other facts and circumstances as the State Board may find to be relevant for the purpose of establishing such schedule and cost factors. The State Board shall have authority to establish minimum requirements and standards respecting use of funds allotted under this Section.

(d) Pupils who live beyond one and one-half miles from the school to which they are assigned, according to the nearest practical route by school bus, shall be eligible to be counted as transported pupils for the purpose of calculating that portion of the expense of pupil transportation associated with transporting pupils from home to school and from school to home as authorized under subsection (a) of this Section, provided such pupils are actually transported to such school by school bus or other vehicle made available for this purpose by the local unit of administration. Any pupil who resides within the said mileage limitation shall not be eligible to be counted for school transportation State-aid purposes, with the exception of handicapped students being transported to special programs.

**Section 26. Public Libraries**

(b) The State Board of Education shall further make adequate provisions for staff, supplies, services and facilities to operate and maintain special media equipment to meet the library needs of Georgia's blind and handicapped citizens.

**Section 38. Calculated Cost of Instructional Services**

(a) The total amount of funds needed by a local unit of administration in order to provide the instructional services assured under the Adequate Program for Education in Georgia, as contemplated by provisions of this Act, shall be deemed to be the sum arrived at by adding the amount of funds, calculated in the manner provided for in this Act, needed by the local unit of administration for the following purposes.

(1) Payment for providing special education programs to meet the special needs of children as provided for in Section 5.

**Section 72. Coordination with Other State Agencies**

The State Board of Education shall be empowered to form in conjunction with other State agencies certain coordinating boards as needed to ensure the provision of a comprehensive educational program for the students of Georgia.

The State Board of Education and the Georgia Board of Human Resources shall hereby establish a Coordinating Committee for Exceptional Individuals and Preschool Programs not later than July 1, 1974. The Committee shall meet at least once every quarter and consist of no less than three members from each of the departments operated under the two boards, including at least one individual at one of the top two levels of management.

## II. PROCEDURAL SAFEGUARDS

Reference: P. L. 94-142 (Education for ALL Handicapped Children Act of 1975), Paragraphs (12) and (13) of Subsection (a) of Section 613, P. L. 93-380 (Education Amendments of 1974), State Plan Provisions (Assistance to States for Education of Handicapped Children) and Family Education Rights and Privacy Act of 1974, Amendment to P. L. 93-380 (Buckley Amendments)

### A. General Provisions

1. Communications to Parents
   All public agencies shall provide a full explanation of all of the procedural safeguards available to parents. The communication to parents will include a description of the action proposed or refused by the agency, an explanation of why the agency proposes or refuses to take the action, and a description of any options the agency considered and the reasons why those options were rejected. Communication to the parents will include a description of each evaluation procedure, test, record or report the agency uses as a basis for the proposed or refused action. Also included shall be a description of any other factors which are relevant to the agencies proposal or refusal.

   Each school system shall insure that all communications made to parents be in both English and the primary language of the home, if such primary language is other than English. Such communications shall be made, to the extent possible, in simple and commonly understood words.

   Where the parents are unable to read in any language, all efforts shall be made to communicate orally.

   All possible means of communication may be utilized in securing consent (e.g., oral, regular mail) and only as a last resort will certified mail be used to obtain consent.

2. Testing – Limitations
   Each school system shall insure that whenever testing of a child is required or permitted by these regulations, the results of ability aptitude or achievement tests shall not be used exclusively or principally as the basis for any finding or conclusion.

   Individual psychological examinations shall be administered and interpreted only by an approved examiner. (See School Psychology Services Handbook).

3. Procedures and Forms
   All notices to parents required of school systems shall contain information in accordance with federal and state regulations.

4. Rights to be Accompanied
   Where a meeting or conference with parents is required or permitted by these regulations, the parents and the school system may choose to be represented or accompanied by a third party.

5. A child (age 0-21) may be referred for evaluation by any of the following.

   a. A school official, including, without limitations, a teacher

   b. A parent or guardian

   c. A judicial officer

   d. A social worker

   e. A physician

   f. The child, if age 18 or over, or under 18 and enrolled fulltime in an institution of post-secondary education. (After the child has reached age 18, all procedural due process rights contained within these regulations shall automatically be transferred to the student unless he or she is declared legally incompetent.)

   g. Any other person may request one of the above to make a referral. The person who receives such a request may, at his or her discretion, refer the child for evaluation.

**B. Due Process**

1. Evaluation

   a. Initial Evaluation

      All children who are considered for special education services shall have a comprehensive evaluation of their abilities and handicaps.

      All children referred for special education evaluation shall be screened for possible hearing and vision difficulties prior to educational or psychological evaluations. Those children considered for special education services in which intellectual, behavioral or emotional components may be determining factors in educational placement must have an individual psychological examination, unless otherwise specified, in addition to other assessments to determine their abilities and handicaps. The psychological evaluation would include an evaluation of cultural, language and adaptive factors.

   b. Re-evaluation;

      All children enrolled in special education programs shall be comprehensively re-evaluated educationally or psychologically no later than three years after the last previous evaluation. The re-evaluation may take place within the three years upon the request of any person having the original authority to make an initial referral, with the approval of the placement committee.

      Educational assessment and IEP revision shall be made on an annual basis.

   c. Signed Parental Consent

      The local school system must have signed, informed parental consent on file before any child is singled out for any evaluation other than routine operations happening to all children at some point in their school year (e.g., mass vision,

dental, hearing and speech screening unless parent has previously filed a form of protest). After a child is referred for evaluation, the local school system shall send to the parents of such a child a notice containing the following.

(1) A statement that a referral has been made, including the name and position of the person making such referral. (The principal of the child's school shall assure that the parents have been notified of referral prior to this notice.)

(2) A statement describing the evaluation process.

(3) A statement that the parents will be informed of the place and date when the evaluation will begin, and the willingness of the appropriate school official to meet with the parents to discuss the reasons for referral and the nature of the evaluation.

(4) A statement that the parents will be informed within a reasonable period, but not to exceed 30 school days, of the results of the evaluation after its completion and the right to challenge the results of the evaluation by presenting an independent evaluation by an approved examiner.

(5) A statement that the parents may be present at all placement committee meetings where the educational placement will be determined and that such meetings will be held at a preannounced time.

(6) A statement indicating that the parents may agree to the evaluation of their child or may refuse such an evaluation. The parent's decision must be clearly indicated on the form, signed by the parent and placed on file in the local school system.

(7) A statement indicating that, in the event no response is received within 15 school days, an appropriate school official will contact the home to determine the reason for lack of response or the necessity of assigning a surrogate parent.

(8) A statement that no change will be made in the student's educational program until proper notification is given to parents and due process procedures are fulfilled.

(9) A statement that either party may appeal to the local system for mediation and to the State Hearing Review Officer within 15 days of the parents' signed response, or lack of response, to the Parental Consent for Evaluation Form.

2. Initial Placement

No student shall be placed in a special education program until that student is the subject of a meeting of the Special Education Placement Committee which shall review all pertinent information and determine the appropriate program for that child.

The determination to place any child into a special education program shall not be made exclusively or principally upon results of tests administered during evaluation. All pertinent data on each child should be reviewed by the entire committee, including, but not limited to, the following.

a. Appropriate school age; that is, 0-21.

b. Observation data from the referring party and student records.

c. Where applicable, a current, thorough, individual educational evaluation, including a comprehensive assessment of achievement, visual-motor and perception skills.

d. A case history with pertinent developmental and social data gathered from the parents.

e. Where applicable, an individual psychological examination by an approved examiner.

f. Any additional data as requested by the placement committee.

Exceptions or additions to these data are specified under each program area.

g. Special Education Placement Committee – Re-evaluation

Upon the request of any person having the original authority to make an initial referral, but no later than three years after the last placement decision, all children who are enrolled in special education programs shall be the subject of a meeting of the Special Education Placement Committee which will review all pertinent information and determine the appropriate program for such children based upon the new information.

Any time a change in educational placement is contemplated, the pertinent information must be reviewed and the change approved by the placement committee and the child's parents.

h. Signed Parental Consent

All children who are evaluated for possible special education services shall be subject to review by the placement committee. All children who are recommended by the placement committee to be placed in a special education program shall have signed, informed parental consent on file within the school system before placement can occur.

No later than 15 school days after a child has been recommended for placement, the local school system shall send to the parents of such a child a notice containing the following.

(1) A statement of the specific proposed placement with a description of the educational components or curriculum opportunities available within that program.

(2) A statement that the placement committee minutes, school files, records and reports pertaining to the child will be available for inspection and for copying at reasonable costs.

(3) A statement of the reasons for the proposed action, including specific tests or reports upon which the proposed action is based.

(4) A statement of willingness of appropriate school officials to meet with the parents to discuss the reasons for the recommended placement, the nature of the placement and to resolve differences of opinion.

(5) A statement that the burden of proof regarding the placement recommendation lies with the school system.

(6) A statement that the parents may obtain for their child an independent evaluation by a certified or licensed examiner.

(7) A statement that no change will be made in the child's educational status until the proposed educational placement is accepted by both parties.

(8) A statement indicating that the parents may accept or reject the placement recommendation. The parent's decision must be clearly indicated on the form, signed by the parent, and placed on file in the local school system.

(9) A statement that either party may appeal the placement decision to the local school system for mediation and to the State Hearing Review Officer within 15 days of the parent's signed negative response, or lack of response, to the Parental Consent for Placement Form.

(10) A statement indicating that, in the event no response is received within 15 school days, an appropriate school official will contact the home to determine the reasons for lack of response or the necessity for assigning a surrogate parent.

Except for pre-placement evaluation and initial placement, consent may not be required as a condition of any benefit to the parent or child.

3. Hearing Process

a. Local Mediation

(1) Purpose

Each local school system shall provide opportunity within the local system for concerned parties to mediate their differences in regard to the identification, evaluation or placement for a handicapped child.

(2) Membership

The mediation will be conducted by one or more designees of the superintendent. Eligible participants include local system personnel, other school system personnel, or individuals who were previously trained to serve as local hearing officers. In addition, parents may invite any person, including professionals, to participate in mediation conferences.

(3) Procedures

The mediation shall provide concerned parties the opportunity to meet informally to determine the needs of the handicapped child. All due process procedures will remain in effect at this level. Mediation shall be conducted at a time and place reasonably convenient to the parents and child involved.

b. State Hearing

(1) Purpose

The State Regional Hearing is designed to provide concerned parties an avenue of resolving differences in the event the mediation process fails to do so.

(2) The hearing will be conducted by a Regional Hearing Officer trained by the State Department of Education. These hearing officers will be appointed by and serve under the authority of the State Board of Education. The hearing officer utilized by any school system shall not

(a) have a direct interest in the outcome of the hearing;
(b) be previously familiar with the child or his parents;
(c) be an employee of the education agency involved in the education or care of the child.

(3) Procedures

Each hearing shall be conducted at a time and place reasonably convenient to the parents and child involved. Upon oral or written appeal to the superintendent or chairman of the board of education, a letter containing the following points shall be sent by certified mail to both parties (include form).

(a) A statement that the hearing must occur within 20 school days of the receipt of the official appeal.

(b) A statement of the date, time and location the hearing will occur.

(c) A statement that parents may inspect, at reasonable times, copies of all records pertaining to their child developed by the school system or by its agents or employees, including all tests or reports upon which the proposed placement action was based.

(d) A statement that if the parents obtain an independent educational evaluation, the results of the evaluation may be presented as evidence at a hearing. Requirements of an evaluation are described in Section 7 of the Annual Program Plan.

(e) A statement that either party may be represented at his/her own expense by counsel or other individuals at any state of the hearing process.

(f) A statement that the hearing will be closed to the public unless the parent requests, in writing to the Regional Hearing Officer, that the hearing be open to the public. However, in such an instance, the school system's attorney, appropriate staff members of the local board of education and other persons requested by either the school system or the parents and approved by the Hearing Officer may be present.

(g) A statement that both parties may present testimony or evidence to the hearing officer and that both parties will have the opportunity to question witnesses.

(h) A statement that either party may lawfully subpoena or compel the attendance of witnesses during the due process hearing.

(i) A statement that all proceedings will be recorded on tape or by other appropriate means.

(j) Parents have a right to written findings of fact accompanying the decision of the hearing.

(k) A statement that the burden of proof as to the appropriateness of any proposed action will be upon the local school system.

(l) A statement that the Regional Hearing Officer has the authority to confirm or reject the decisions of all concerned parties.

(m) A statement that the decision of the Regional Hearing Officer will be binding on all parties. Appeal of the decision is made to Civil Court.

(n) A statement that at the conclusion of the hearing the Regional Hearing Officer shall report the decision to all concerned parties in writing within a reasonable period of time, but not to exceed 20 school days.

(o) A statement that the written decision of the Regional Hearing Officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the hearing and the reasons for the decisions.

(p) A statement that the written finding or decisions of the Regional Hearing Officer are to be transmitted to the Advisory Panel after deleting any personally identifiable information.

If no request for an appeal is made by either party within 30 school days of the receipt of the board's written decision, the decision of the board will be implemented.

(4) Hearing Rights

(a) Any party to a hearing has the right to

i) be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of handicapped children;

ii) present evidence and confront, cross-examine and compel the attendance of witnesses;

iii) prohibit the introduction of any evidence that has not been disclosed to that party at least 5 days before the hearing;

iv) obtain a written or electronic verbatim record of the hearing;

v) obtain written findings of fact and decisions. These same findings, after deletion of any personally identifiable information, shall be submitted to the State Advisory Panel of Special Education.

(b) Parents involved in hearings must be given the right to

i) have the child who is the subject of the hearing present;

ii) open the hearing to the public.

(c) The local School System shall inform the parent of any free or low-cost legal and other relevant services available in the area if the parent requests the information.

(5) Timeliness and convenience of hearings and reviews.

The local school system shall insure that no later than 45 days after the receipt of a request for a hearing

(a) a final decision is reached in the hearing;

(b) a copy of the decision is mailed to each of the parties.

(6) Child's status during proceedings

(a) During the pendency of any administrative or judicial proceedings regarding a complaint, unless the school system and the parents of the child agree otherwise, the child involved in the complaint will remain in his or her present educational placement.

(b) If the complaint involves an application for initial admission to public school, the child, with the consent of the parents, will be placed in the public school program until the completion of all proceedings.

(7) Each public agency shall keep a list of the persons who serve as hearing officers. The list shall be provided to each agency by the State Department of Education to include the trained hearing officers appointed by the State Board of Education. The list will include a statement of the qualifications of each hearing officer.

(4) Surrogate Parents

In order to provide every child eligible for a public education with the protection of procedural due process, even under circumstances where a child's parents or guardians are not known, are unavailable or the child is a ward of the State, each child should be assigned a surrogate parent. The public agency shall insure that a person selected as a surrogate parent

a. has no interest that conflicts with the interests of the child he or she represents

b. has knowledge and skills that insure adequate representation of the child

c. is not an employee of the school system involved in the education or care of the child

d. will receive in-service training in regard to provisions of a free appropriate public education.

The surrogate parent may represent the child in all matters relating to

a. the identification, evaluation and educational placement of the child;

b. the provision of a free appropriate public education to a child.

**C. Least Restrictive Environment**

Least restrictive placement is the educational environment in which the child can function most effectively. In keeping with the procedural safeguards guaranteed to exceptional children and their parents by the Georgia Department of Education, the following regulations are set forth.

To the maximum extent appropriate, exceptional children in Georgia shall be educated with children who are not handicapped. Special classes, separate schooling or other removal of handicapped children from the regular class environment shall occur only when the nature of severity of the handicap is such that education in regular classes with the use of supplementary aids and services cannot be satisfactorily achieved. Further, it is the policy of the Georgia Department of Education that handicapped children have the right to be educated with their normal peers, unless clear evidence is available that partial or full removal is desirable for the welfare of the child or other children.

When an exceptional child must be assigned to a special program, educational goals shall be specified; and when these goals are met, the child shall be returned to the most normal setting possible, consistent with the child's capabilities and educational needs.

1. Program Alternatives

A variety of program alternatives (continuum of educational services) shall be available to every child in the school system to meet varying needs, including regular class attendance plus supplementary instructional services, part-time special program (resource room), fulltime special class (self-contained class), special schools psychoeducational centers, etc), hospital and homebound instruction and residential placement.

2. Procedures

a. Parental consent for testing and changes in a child's educational program shall be obtained in accordance with the prescribed due process procedure.

b. In making decisions about the educational placement of handicapped children, an interdisciplinary team and multi-factored evaluations shall be instituted in keeping with the non-discriminatory testing and placement procedure.

c. Annual review of the child's educational status shall be required in keeping with the non-discriminatory testing and placement procedure.

d. An individual educational plan for the child shall be developed in keeping with the non-discriminatory testing and placement procedure.

e. A formal appeal process concerning least restrictive alternatives program placement for handicapped children shall be in full effect in keeping with the due process procedure on appeals.

3. Provisions

a. Placement shall be as close to the child's home as possible and unless otherwise required by the individual education program that child is educated in his home school.

b. Alternative placements are available to the extent necessary to implement the individual education program for each child.

c. Consideration is given to any potentially harmful effect on the child or on the quality of services needed.

d. In providing or arranging for the provision of non-academic and extra-curricula services and activities, it is assured that each handicapped child participates with non-handicapped children in those services and activities to the maximum extent appropriate to the needs of that child.

e. The local school system assumes responsibility for assuring the proper functioning of hearing aids.

f. Physical education is made available to every child receiving a free appropriate public education. The handicapped child will be afforded the opportunity to participate in the regular physical education program unless

(1) the child is enrolled full-time in a special facility

(2) the child needs specially designed physical education as prescribed in the individual education program; if specially designed physical education is prescribed in the individual education program, the school system shall provide it directly or make arrangements for it through other agencies.

**D. Non-discriminatory Testing and Placement**

All components of the comprehensive evaluation shall include cultural, language and adaptive factors. The local school system assumes responsibility for the development of an appropriate individual education plan for the child, based on a description of his or her strengths and weaknesses and giving full consideration to cultural, language and adaptive factors. Testing and evaluation materials selected for the purpose of evaluation and placement are selected and administered so as not to be racially or culturally discriminatory.

The following evaluation procedures are in effect.

1. Tests and similar evaluation materials are provided and administered in the child's native language or mode of communication unless it is clearly not feasible to do so.

2. Tests and similar evaluation materials have been properly and professionally validated for the specific purpose for which the recipient proposes to use them.

3. Tests and similar evaluation materials are administered in conformance with the instructions provided by their producer and are administered by personnel who meet appropriate certification or licensure requirements under Georgia law.

4. Tests and similar evaluation materials assess specific areas of educational need and not merely provide a single general intelligence quotient.

5. Any testing of children with impaired sensory, manual or speaking skills accurately reflects the aptitude or achievement levels in whatever other factor the test purports to measure.

6. Information from sources other than ability or achievement tests, including information concerning physical condition, sociocultural background and adaptive behavior in home and school, is gathered and considered and the weight given to each of these sources is documented.

7. Interpretation of evaluation data and subsequent placement is determined by a multidisciplinary team.

8. If evaluation data shows the child does not need instruction in a special setting, the child will not be placed outside the regular instructional setting.

9. Any changes in a child's special education placement will be based on (a) the child's current individual education program (b) any other information relating to the child's current educational performance and (c) existing formal evaluation data which is not more than three years old. Re-evaluation must include (a) a revision of the individual education program periodically but not less than annually and (b) a formal evaluation of the child, based on the above procedures and to include all educational and psychological assessments which were administered to the child. The re-evaluation is conducted at least every three years or whenever conditions warrant, including at the request of the child's parents or teachers.

**E. Confidentiality**

1. Access Rights

   a. Each local school system shall permit parents to inspect and review as expeditiously as possible, and not more than 45 days after the request has been made (and prior to any meeting regarding an individual education program or hearing), any education records relating to their children which are collected, maintained or used by the agency. Upon request, parents may obtain copies of all data for a duplication fee; however, if they provide ample evidence of inability to pay such fee, the data will be provided free of charge. Access to such data, if requested, is the right of each parent and will not be denied by the school system due to physical limitations or geographical locations.

b. Each local school system will presume that the parent has the authority to inspect and review data relating to his or her child unless the system has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation and divorce.

c. Each local school system shall keep a record of parties obtaining access to data collected or maintained (except access by parents and authorized employees of the education agency), including the name of the party, the date access was given and the purpose for which the party is authorized to use the data.

d. If any record includes data on more than one child, the parents of those children shall have the right to inspect and review only the data relating to their child or to be informed of that specific data.

e. Upon request, the system shall provide parents a listing of the types and locations of data collected, maintained or used by the agency.

f. The parents have a right to have a representative inspect and review the records.

g. The parents have a right to request reasonable explanation and interpretation of records.

2. Hearing Rights

a. A parent who believes that data collected or maintained is inaccurate or misleading, or violates the privacy or other rights of the child, may request that the school system amend the data.

b. The system shall decide whether to amend the data in accordance with the request within a reasonable period of time of receipt of the request, but not to exceed 30 school days.

c. If the system decides to refuse to amend that data in accordance with the request, it shall in writing so inform the parent of the refusal, advise the parent of the right to a hearing and provide an opportunity for a hearing to challenge data. The hearing required to be held shall be conducted according to procedures as outlined in II., B., 3., hereof. These points should be contained in the letter.

d. If as a result of the hearing the system decides that the information is inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall amend the information accordingly and so inform the parents in writing

e. If as a result of the hearing the system decides the data is not inaccurate, misleading or otherwise in violation of the privacy or other rights of the child, it shall inform the parents of their right to place in the records it maintains on the child, a statement commenting on the data and setting forth their reasons for disagreeing with the decision of the school system.

f. Any explanation placed in the records of the child shall be maintained by the school system as part of the records of the child as long as the record or contested portion thereof is maintained by the agency. If the records of the child, or the contested portion thereof, are disclosed by the school system to any party, the explanation shall also be disclosed to the party.

g. The system assures that all hearing boards will maintain confidentiality.

3. Consent

Every effort shall be made to insure that (a) the parent has been fully informed of the information in his or her native language (b) the parent understands and agrees in writing to the release of information and records shall be sent and (c) the parent understands that the granting of consent is voluntary on the part of the parent.

a. Signed informed parental consent shall be obtained before disclosure of data to anyone or in any manner other than;

(1) parents or eligible students;

(2) school officials, including teachers within the local education agency or legally constituted cooperating agencies, e.g., SED centers, CESAs, shared services, when access has legitimate educational purposes;

(3) in connection with a student's application for or receipt of financial aid;

(4) with the written approval of the local superintendent, organizations conducting a study on behalf of an education agency to develop, validate or administer predictive tests, to administer student aid or to improve instruction and when such information will be available only to those conducting the study, with all personally identifiable data destroyed at the conclusion of the study;

(5) accreditation agencies;

(6) in compliance with a judicial order;

(7) authorized state or federal representatives evaluating or auditing federally supported educational programs;

(8) the Office of Civil Rights;

(9) officials of other schools or school systems in which the student seeks or intends to enroll, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.

4. Safeguards

a. The superintendent or an official designated by the superintendent assumes responsibility for assuring the confidentiality of any personally identifiable data.

b. All persons collecting or using personally identifiable data shall receive instruction regarding policies and procedures for use of data.

c. The system shall maintain for public inspection a current listing of the names and positions of those employees within the system who may have access to personally identifiable data. This list should include teachers and administrators directly involved in the educational interest of the child and others as designated in writing by the superintendent under guidelines established by the local system.

d. Whenever educational records of a student are released, the local school

(1) shall maintain a record of those who have had access to the educational records and for what purpose (except for teachers and administrators in the local school);

(2) shall provide access to these records to parents or eligible students;

(3) shall specify in writing that persons receiving such records shall not permit access by third parties without the written consent of the parent or eligible student.

e. Personally identifiable data utilized in making and maintaining placement in special education programs may be transferred to another school system or participating agency which the student plans to attend. The parent or eligible student shall be informed and if desired receive a copy of all information transmitted.

5. Destruction of Data

a. When data is no longer needed to provide educational services for the child, all personally identifiable data, i.e., name of child, child's parents, family members, address of the child, social security number or other characteristics of the child, shall be destroyed as it is related to placement of the child in a special education program. This does not preclude that a permanent record consisting of a student's name, address, phone number, grades, attendance record, classes attended, grade level and year completed may be maintained without time limitation.

b. Prior to destruction of data, reasonable efforts shall be made to notify parents of their right to be provided a copy of any data which has been obtained. The information must be destroyed at the request of the parents.

## III. GENERAL PROVISIONS

### A. Provisions for Establishing a Program

1. Comprehensive Plan

Each local school system or group of systems shall submit an annual comprehensive plan to the Georgia Department of Education in accordance with requirements of PL94-142, describing how it intends to meet the needs of all exceptional children in the system as mandated by the Adequate Program for Education in Georgia (APEG) Act. The comprehensive plan should conform to the format prepared by the Georgia Department of Education and contain the following kinds of information.

a. Name, address and administrative head of the school system submitting the comprehensive plan.

b. Assurances that the procedural safeguards outlined in Section II will be met and adhered to.

c. Description of the programs in each area of exceptionality which the school system will be offering. For each program the comprehensive plan will provide information as to

(1) rationale for providing the program;

(2) population to be served;

(3) delivery to be employed and anticipated number of children to be served by each model;

(4) number and qualifications of all staff members providing service to the area;

(5) description of facilities to be provided in each school or location where services are offered.

d. Description of how children with needs for special programs not offered by the local system will be served.

e. Description of the administrative structure within the school system providing leadership to all programs for exceptional children. This should include outlines of the lines of authority, as well as a listing of personnel such as the program director, supervisors, consultants, coordinators, principals of special schools or centers, etc.

Annual requirements will be sent to the superintendent.
Annual update of comprehensive plan will be required.

2. Special Education Advisory Committee

Each school system participating in the education of exceptional children should establish a committee to serve in an advisory capacity to the local board of education.

This committee may be known as the local Special Education Advisory Committee. The committee's functions might be as follows.

a. Assist in the review of state policies for the Special Education Program as they relate to the implementation of special education programs.

b. Assist in the development of local policies which will insure procedural safeguards are provided as contained in Section II hereof.

c. Assist in the review of the program and comprehensive plan in order to provide a continuum of service.

d. Discuss transportation problems, requests for materials and equipment and any other problems concerning the class or unit.

e. Assist in the development of the comprehensive plan and annual update.

   (1) Meetings should be scheduled on the basis of need. It is recommended that a spring meeting be held to complete the annual update of comprehensive plans.

   (2) Members may be chosen from, but not limited to, the following.

      (a) The coordinator of the local special education program who will serve as chairperson

      (b) The coordinator (when applicable) of the CESA special education program

      (c) The local school superintendent or his designee

      (d) The visiting teacher

      (e) The curriculum director

      (f) A principal

      (g) A teacher of exceptional children

      (h) A psychologist

      (i) One or more parents of a child in a special education program

      (j) A professional staff member of the local health department

      (k) A professional staff member of the local department of family and children services

      (l) A representative of the medical profession

      (m) A representative of the ministerial profession

      (n) A legislator

(o) A representative of an advocacy group

(p) A representative of the legal profession

(q) A representative of a teacher training institution

(3) The minutes should be held on file at the office of the local school system.

3. Special Education Placement Committee

a. Purpose and Functions

A Special Education Placement Committee (SEPC) shall be formed in each local school system. The primary function of the committee, without limitation, is to recommend special education services for individual students.

The determination to place any child into a special education program shall be made only after careful review of all data pertaining to the child, including referral party's specific reasons for referral and all specific criteria included in each program area.

In addition, the committee shall

(1) provide recommendations to the Special Education Advisory Committee as to the establishment of appropriate educational programs for every exceptional student;

(2) provide assurances to the local board that major goals of the child's educational program are outlined based upon the evaluative data;

(3) provide assurances to the local board that a planned program is outlined for each child and is on file in the school.

b. Membership

An appropriate placement committee should be chosen from, but not limited to, the following.

(1) The school principal

(2) The referring party

(3) The child's regular education teacher

(4) The person who performed the evaluation

(5) The prospective special education teacher

(6) The director or consultant of special education, who will act as chairperson

(7) The system superintendent or his or her appointed designee

(8) The social worker, visiting teacher, guidance counselor or school nurse.

c. Placement Committee Procedure

For the Special Education Placement Committee's action to have effect, the following shall occur.

(1) A majority of the committee shall be in attendance.

(2) Parents and school system should agree to the proposed action.

(3) The committee shall adhere to procedural due process requirements as contained in Section II.B.

According to the local school system's discretion, one committee or several may be formed to meet the functions and purposes as set forth in 2 and 3 above.

4. Individualized Education Program

An "individualized education program" for each handicapped child must be written within 30 days of the determination that the child needs special education placement and must be maintained by the LEA. The people to be included in writing this program are the teacher, the parents, the child when appropriate and/or other personnel qualified in special education. This program must include the following information.

a. A statement of the present levels of educational performance of the child.

b. A statement of annual goals, including short-term instructional objectives.

c. A statement of the specific educational services to be provided and the extent to which such child will be able to participate in regular education programs.

d. The projected date for initiation and anticipated duration of services.

e. Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the instructional objectives are being achieved.

5. Age Ranges

All handicapped and gifted persons between the ages of 5–18 shall be provided a free appropriate public education. (Ga. School Law Section 32-937). Children ages 0–4 may be provided educational programs and related services. Persons 19–21 must be allowed to continue in a program if they were enrolled prior to age 19. Other persons age 19–21 may be provided education and related services.

6. Program Completion

It is recommended that special education students, upon completion of a planned secondary special education program, be awarded a diploma in the regular commencement exercises. These students should be considered a part of the graduating class and no distinction should be made in the ceremonies.

## B. Delivery Models

A continuum of delivery systems shall be made available to children identified as exceptional. These shall include part-time, self-contained, combination, special day school, multi-system and residential programs.

Alternatives in the following Program Selections should be specified in each program area.

1. Categorical Resource Program

   a. Children with mild handicaps or disabilities or those who are gifted may be enrolled in a regular classroom in a designated school but also receive special instruction in a resource program.

   b. A resource program is further defined as one in which the children are enrolled in the regular program while receiving special education services for less than one half of the school day.

   c. The types of resource programs shall include, but not necessarily be limited to, the following.

      (1) Resource Room

      A designated classroom to which the children come for instruction. The resource room model assumes that the resource teacher and the regular education teacher cooperate in planning the student's total instructional program.

      (2) Resource Teacher

      The resource teacher works with the identified children or regular teacher within the actual regular classroom setting.

      (3) Itinerant Program

      An itinerant special education program provides instructional programs to children in more than one school. The itinerant program assists exceptional children and their regular teachers on a rotating schedule.

2. Interrelated Resource Program

   a. The term interrelated refers to a combination program in which a teacher works with children who are mildly specifically learning disabled, behaviorally disordered or educably mentally retarded. The child should meet the eligibility criteria as outlined in the program areas.

   b. The recommended enrollment should not exceed 24. Due process guidelines, including individual assessment, should be followed.

   c. The determination to place any child in a special education program shall not be made exclusively or principally upon results of tests administered during evaluation. All pertinent data on each child should be reviewed by the entire committee. Cognitive and adaptive behavior criteria shall be considered.

3. Crisis Intervention Program

   a. For some children, a behavior disorder may be temporary and transitory. These children may be given the needed assistance to resolve their problems while continuing to be enrolled in the regular education program. The teacher will give support and guidance to the classroom teacher and principal in dealing with student problems. Other responsibilities shall be working individually or with a group on academic subjects and behavior management, crisis intervention, counseling with parents, follow-up services and overall planning for the child.

   b. Because of the inherent nature of a crisis intervention program, there are no special eligibility or placement requirements necessary beyond the judgment of the teachers, the director/coordinator of special education and the principal.

   c. Attempts shall be made to notify parents during the school day, but contact shall be made within 24 hours of placement in the program.

   d. If the service extends more than three days, or on the second occurrence of a similar nature, procedural due process shall be initiated and completed within 20 school days.

   e. Parental permission shall be obtained for interim services as procedural due process is being followed.

4. Self-contained Program

   a. Children who require a more structured program over a longer period of time may be enrolled in a self-contained program designed specifically for that exceptionality.

   b. A self-contained program for the moderately or severely handicapped is defined as one in which the children spend one half or more than one half of the instructional day within the program.

   c. The chronological age range of these children shall not exceed three years.

5. Modified Self-contained Program

   a. A modified self-contained program for the mildly handicapped is defined as one in which the special education teacher integrates the students into parts of the regular class curriculum.

   b. The integration should be based on a reasonable expectation that the student will benefit academically, socially, emotionally or vocationally by such regular class participation.

   c. The special education teacher acts as a liaison person to help the handicapped student function comfortably within the regular classroom setting.

6. Special Day School Program

   In instances when students cannot function in a regular school setting, special programs should be provided.

7. Multi-system Program

Special arrangements may be developed among systems using any of the above described models. The multi-system program will be particularly applicable to low prevalence exceptionalities such as multi-handicapped, trainable mentally retarded, severely mentally retarded, hearing impaired or visually impaired.

8. Residential Program

Special programs for children with severe handicaps are operated in residential facilities under the auspices of the local school system in which that facility is located, or under special provisions approved by the State Board of Education. Because of the nature of the residential situation, special consideration may be given to variations from policies for programs in the public school system. A complete program of educating severely handicapped children in residential centers shall involve teachers and specialists.

9. Related Vocational Instructional (RVI) Program

a. A RVI program is defined as providing support services to handicapped secondary students enrolled in reimbursable vocational education programs.

b. The recommended case load is limited to 22 students.

c. The RVI teacher acts as a liaison person to help the handicapped student function within the regular vocational education program.

**C. Facilities, Equipment and Materials**

Unless otherwise specified under program areas, the following guidelines should be followed.

- The school system shall provide a classroom of suitable size in a distraction-free area, as required by the type of program or services to be established, with appropriate furniture, materials, supplies and equipment to meet the needs of the class or individual children to be served.

  For a self-contained or diagnostic class, the standard size (750 sq. ft.) is suitable.

  For a resource program, the room should be at least 350 square feet or larger, depending upon the number of children being served at any one time, the kind and amount of furniture and equipment required and the necessity for storage capabilities.

- For children with special physical needs, the classroom should be easily accessible to an outside entrance, the school cafeteria, library and office and should have its own restroom facilities, or they should be provided immediately adjacent to the special classroom. Such classes should be in schools which meet Standards for Public Schools of Georgia.

- Instructional space for exceptional children shall comply with the above State Standards. Adequate storage and shelving should be provided. It is strongly recommended that mobile or portable classrooms be utilized only when regular education classes are also housed within such classrooms.

- New construction, renovation and consolidation of facilities should be undertaken only with the approval of the School Plant Unit, Georgia Department of Education.

**D. Transportation**

Transportation for handicapped children shall be provided in accordance with established policy.

Vehicles which are to be used to transport exceptional children should be appropriately modified as dictated by the specific needs of the children. This may include such equipment as power lifts, wheelchair fasteners, special seat belts, harnesses, etc.

Provision shall be made for adequate supervision of all exceptional children while they are being transported. This may entail the use of a teacher aide if the physical or mental problems of the children indicate a need for more supervision than can be provided by the driver.

## IV. PROGRAM AREAS

### A. Mental Retardation

1. Definition

Mental retardation refers to significantly subaverage general intellectual functioning, existing concurrently with deficits in adaptive behavior and manifested during the developmental period. Significantly, subaverage refers to performance which is more than two standard deviations below the mean of the tests utilized.

2. Eligibility and Placement

a. Trainable Mentally Retarded

A trainable mentally retarded child will usually have an intellectual ability of approximately one third to one half that of the average child of a comparable chronological age. This child may be expected to benefit from a program designed to further socio-economic usefulness in the home or in the sheltered environment or residential setting. The TMR individual has the potential for personal, social and emotional growth leading to productive living under supervision or within a sheltered environment.

For a child to be eligible for placement into a program for the trainable mentally retarded, performance on the individually administered psychological examination shall lie more than three standard deviations below the mean on the tests utilized. Arbitrary restrictive criteria, including incontinence and immobility, shall not be required.

Additionally, a child should receive, within two months of placement, a medical examination. It is recommended that this be repeated biennially.

The determination to place any child into a special education program shall not be made exclusively or principally upon results of tests administered during evaluation. All pertinent data on each child should be reviewed by the entire committee. Cognitive and adaptive behavior criteria shall be considered.

b. Educable Mentally Retarded

The educable mentally retarded individual has the potential for personal, social and emotional growth leading to independent, productive living.

For a child to be eligible for placement into a program for the educable mentally retarded, his or her performance on the individually administered psychological examination shall range between two and three standard deviations below the mean of the tests utilized. Further, significant deficits in his or her adaptive behavior must be demonstrated.

The determination to place any child into a special education program shall not be made exclusively or principally upon results of tests administered during evaluation. All pertinent data on each child should be reviewed by the entire committee. Cognitive and adaptive behavior criteria shall be considered.

c. Severely Mentally Retarded

A severely mentally retarded child will usually have an intellectual ability approximately two-thirds below that of an average child of a comparable chronological age. This child may be expected to benefit from a program designed to further basic skill development in the following areas: self-help, motor, social and communication.

The severely mentally retarded child has the potential for personal, social, and emotional growth leading to maintenance of the above basic skill areas in a supervised environment. Continuous evaluation and monitoring of performance through task analysis and individualized programming will be necessary to verify student progress.

For a child to be eligible for placement into a program for the severely mentally retarded, performance on the individually administered psychological examination shall lie more than four standard deviations below the mean on the tests utilized. Arbitrary restrictive criteria, including incontinence and immobility, shall not be required.

Additionally, a child shall receive, within a period of 60 days of placement, a medical examination. It is recommended that this be repeated at least bi-biennially.

The determination to place any child into a special education program shall not be made exclusively or principally upon results of tests administered during evaluation. All pertinent data on each child should be reviewed by the entire committee. Cognitive and adaptive behavior criteria shall be considered.

3. Enrollment

a. Trainable Mentally Retarded

The recommended enrollment in instructional areas should not exceed 12.

b. Educable Mentally Retarded

The recommended enrollment for educable mentally retarded should not exceed

| | Modified Self-contained | Itinerant | Resource |
|---|---|---|---|
| Primary | 14 | 20 | 24 |
| Intermediate | 16 | 20 | 24 |
| Secondary | 18 | 20 | 24 |

The time on supervised work-study sites for students enrolled in programs for secondary-age educable mentally retarded is counted as part of the instructional program. Students who have completed a prescribed program of in-school study may be placed on work-out experiences which constitute a maximum of a school day, provided the student attends a weekly or bi-weekly seminar con-

ducted by his or her special education teacher or maintains daily attendance of one or more periods.

c. Severely Mentally Retarded

The recommended enrollment in programmatic areas should not exceed six. An aide is recommended for the program.

4. Facilities

a. Trainable Mentally Retarded

It is recommended that school systems utilize the least restrictive environment in providing adequate services for the trainable mentally retarded. In some cases, total population to be served will not warrant the provision of a single system offering a sequential program for school age children, and for this reason systems are encouraged to share services across system lines.

The program should be located in the larger populated areas of the districts on a public school campus with children of similar chronological age and should provide all the auxiliary services, including transportation, to train these children to become more useful citizens in their community. The program should provide areas for instruction in homemaking, self-care, motor coordination, language development, prevocational skills and academics

b. Educable Mentally Retarded

In addition to facilities outlined in Section III.C., provisions should be made for use of vocationally oriented classroom facilities on the junior and senior high levels.

c. Severely Mentally Retarded

It is recommended that school systems utilize the least restrictive environment in providing adequate services for the severely mentally retarded. Because of the low incidence of this population, systems are encouraged to share services across system lines.

A program should be centrally located within the region or district on a public school campus with children of similar chronological age. It should house the staff of professionally trained teachers and paraprofessionals to serve the needs of children identified as severely mentally retarded. All auxiliary services, including transportation, should be provided. Areas for instruction in basic self-help skills, motor development, perceptual training, social and communication development should be available.

## B. Behavior Disorders

### 1. Definition

When defined in terms of school functioning, a child would be said to be behavior disordered if his or her behavior is so inappropriate or destructive to himself or herself or others that it interferes with receiving all or part of his or her education in the regular classroom situation. The child's primary difficulty is emotional/behavioral and cannot be explained satisfactorily by any other handicapping condition.

### 2. Eligibility and Placement

Based upon appropriate (1) screening, (2) diagnostic information which may need to include a psychological evaluation, and (3) staffing, one or more of the following factors exhibited by the student may be regarded as reasons for referral to or placement in a behavior disorders program.

a. Displayed maladaptive reactions toward peers and authority figures.

b. Temporary or transitory disorders occationed by crisis situations with the family.

c. Chronic acting out or withdrawal behaviors exhibited in the school setting.

d. History of school suspensions or expulsion.

e. Social maladjustment, as evidenced by adjudication through the courts, or other involvement with correctional agencies.

### 3. Enrollment

The recommended enrollment for Behavior Disorders should not exceed:

| | Self-contained | Resource | Itinerant |
|---|---|---|---|
| Primary | 8 | 24 | 20 |
| Intermediate | 10 | 24 | 20 |
| Secondary | 12 | 24 | 20 |

## C. Specific Learning Disabilities

1. Definition

"Specific Learning Disability" means a disorder in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations. The term includes such conditions as perceptual handicaps, brain injury, minimal brain dysfunction, dyslexia and developmental aphasia. The term does not include children who have learning problems which are primarily the result of visual, hearing or motor handicaps, of mental retardation, of emotional disturbance or of environmental, cultural or economic disadvantage.

2. Eligibility and Placement

A. Evaluation Team

As a minimum, the following shall constitute the Learning Disabilities evaluation team.

1. A teacher certified in Specific Learning Disabilities. If one is not available within the system, another person qualified to conduct diagnostic evaluations relevant to Learning Disabilities should be designated.

2. A qualified psychological examiner.

3. The child's regular teacher. If the child does not have a regular teacher or is less than school age, a person qualified by the state to teach a child or equivalent age should be designated.

B. Evaluation Components

The following shall be included as a minimum in each initial evaluation of a child identified as having a Specific Learning Disability.

1. An audiometric and visual screening preceding the assessments to determine adequacy of sensory acuity for subsequent testing with appropriate accommodations or follow-up if hearing and/or vision are found inadequate.

2. An individual evaluation conducted by a qualified psychological examiner.

3. To substantiate the identification of the deficit area(s) in Section C, Number 2 below, a minimum of two evaluation instruments must be administered individually by trained Learning Disabilities personnel or a specified member of the evaluation team. Both formal and informal assessment measures should be utilized.

4. An assessment of language skills administered by an appropriate specified member of the evaluation team.

5. Written samples of the student's relevant classroom work and a statement of the student's academic and social performance by the regular teacher(s).

6. A written observation report of the student's relevant performance in the regular classroom setting by an evaluation team member other than the regular classroom teacher.

C. Eligibility Criteria

1. When provided with learning experiences appropriate for the student's age and ability, it is demonstrated that he or she is not achieving commensurate with his or her age and ability levels in one or more of the areas in Item 2 of this section.

2. Based on the results of assessments required in Section B, Evaluation Components, a severe discrepancy is demonstrated between ability and achievement in one or more of the following areas.

   (a) Oral expression
   (b) Listening comprehension
   (c) Written expression
   (d) Basic reading skill
   (e) Reading comprehension
   (f) Mathematics calculation
   (g) Mathematics reasoning

3. In determining expectancy, the following formula should be utilized:

$$\frac{2CA + MA}{3} - 5.2 = \text{Expectancy}$$

   The team should consider expectancy on an individual basis for each child, in light of the information from the psychological evaluation on cognitive functioning, age of the child and significant school experiences.

4. In determining severe discrepancy between ability and achievement, the following is to be utilized.

   (a) 1st grade - by performance on appropriate evaluative measures and adaptive behavior in the classroom
   (b) 2nd grade - 1 year or more below expectancy
   (c) 3rd and 4th grade - 1½ years or more below expectancy
   (d) 5th and 6th grade - 2 years or more below expectancy
   (e) 7th and 8th grade - 3 years or more below expectancy
   (f) 9th grade and beyond - 4 years or more below expectancy

5. It is determined that the severe discrepancy between ability and achievement is not primarily the result of

   (a) a visual, hearing or motor handicap;
   (b) mental retardation;

(c) emotional disturbance;

(d) environmental, cultural or economic disadvantage.

D. Written Report

The evaluation team shall prepare a written report of the evaluation to include at a minimum

1. any severe discrepancy between ability and achievement that is not correctable without special education and related services;

2. the documentation that the child has or does not have a specific learning disability and the relevance of each Section B evaluation component in making the determination;

3. educationally relevant medical findings if any;

4. the effects of environmental, cultural or economic disadvantage if relevant.

Each team member shall (a) certify in writing that the report reflects his or her conclusion or (b) provide a dissenting statement and reason(s).

3. Enrollment

The recommended enrollment for Specific Learning Disabilities should not exceed:

| Type | Recommended Maximum Case Load |
|---|---|
| 1. Self-contained | 10 |
| 2. Resource | 24 |
| 3. Itinerant | 20 |

## D. Visually Impaired

### 1. Definition

Children to be served include those whose visual handicaps prevent successful functioning in a regular school program; children whose visual handicaps may result from congenital defects, eye diseases, severe refractive errors, injuries to the eye or poor coordination. They fall into the following basic categories.

a. Functionally Blind

A child who will be unable to use print as his or her reading medium is considered to be functionally blind. Instruction in braille and in use of recorded materials will be essential to this child's education.

b. Legally Blind

A legally blind child is one whose visual acuity is 20/200 or less in the better eye after correction, or who has a limitation in the field of vision that subtends an angle of 20 degrees. He or she falls within the definition of blindness, although he may have some useful vision and may even read print.

c. Partially Sighted

A partially sighted child is one whose visual acuity falls within the range of 20/70 to 20/200 in the better eye after correction, or when the child cannot read 18 point print at any distance, on the basis of a current examination by an eye specialist.

Some children with a visual acuity better than 20/70 will need specialized help. The local director shall determine whether the visual loss constitutes an educational handicap. Request for inclusion of such a child in a unit for visually impaired children should be made to the Special Education Program, Georgia Department of Education.

### 2. Procedures

a. A survey of the community should be made to determine the need for a program.

b. Vision screening, with special emphasis on early childhood screening, shall be provided for all children referred for special services. A successful screening program requires the coordinated effort of the local education agency, ophthalmologists, optometrists, health department, social workers and interested trained volunteer agencies; i.e., PTAs, Lions Clubs, women's organizations, home economics trainees, etc. Training may be secured from the local and/or state health department and the Georgia Society for Prevention of Blindness.

c. Failures from screening shall be referred to ophthalmologists and/or optometrists for correction and/or follow up.

d. An eye examination report, completed and signed by the eye specialist examining the child, must be submitted for each visually handicapped child enrolled in the program.

3. Enrollment

The recommended enrollment for the Visually Impaired should not exceed:

a. Self-contained

| | |
|---|---|
| Preschool | 8 |
| School-age | 12 |

b. Itinerant/Resource 12

4. Facilities, Equipment, Materials

Appropriate housing shall be provided in a regular school building, as required by the type of program, with suitable furnishings and appropriate materials and equipment. Classroom size shall be determined on the basis of maximum number of children served and the type of activity at any given time.

a. Federal Quota Allocation

All children whose vision comes within the definition of legal blindness are registered by their school system through the Georgia Department of Education to be included in the Federal Quota Allocation for legally blind children. A credit allocation, based on a per capita allotment for children under instruction on the first Monday in January, is set up on the books of the American Printing House for the Blind. It is against these credit allocations that the Georgia Department of Education authorizes shipment of books and materials for the use of local schools in the education of visually impaired children.

b. Library for the Blind

All books and materials are circulated through the Library for the Blind, 1050 Murphy Ave. SW, Atlanta, Georgia 30310. They are returned to this same address as soon as the school is through with them, for circulation to other visually impaired children.

c. Textbook Funds

Local textbook funds may be used for purchasing books and materials for visually impaired children.

d. Services

School personnel should register with all national agencies and organizations that provide materials and services to the visually handicapped. Lists of agencies may be obtained by writing the Consultant for Visually Handicapped, Program for Exceptional Children, Georgia Department of Education, Atlanta, Georgia 30334.

## E. Hospital/Home Instruction

1. Definition

   The child who has a medically diagnosed physical condition, which is non-communicable and restricts him to his home or a hospital for a period of time which will significantly interfere with his or her education (a minimum of 10 school days), is eligible for the services of an itinerant hospital/homebound instructor.

2. Eligibility and Placement

   a. In order for an individual to receive hospital or home instruction, a licensed physician must declare that the child is physically able to profit from education instruction. Children with other handicapping conditions must meet the medical eligibility requirements.

      Teachers should maintain an average case load of eight. A minimum of 20 children should be seen per year.

   b. Students out of school because of a communicable disease, emotional problems, expulsion, suspension or uncomplicated cases of pregnancy are not eligible.

   c. Students are counted present each day if the student is seen a minimum of 3 hours per week.

   d. An adult shall be present in the home during the instructional period.

   e. The responsibility for children hospitalized in facilities where no educational program is available lies with the student's local education agency. The LEA should make appropriate arrangements with the system in which the facility is physically located.

3. Delivery Models

   a. Itinerant/Resource: Either at home or hospital

   b. Hospital: Placed full-time at hospital

4. Facilities, Equipment and Materials

   Necessary instructional program information, equipment and supplies required for the education program for hospital/home instruction shall be provided specifically for use by the hospital/homebound instructional program. These materials may be provided from a central depository or from schools in which pupils are enrolled.

## F. Speech Impaired

### 1. Definition

Speech and language services provide diagnostic (evaluative), therapeutic (habilitative) and consultative services for students handicapped by communication disorders. Communication disorders may be exhibited by one or more of the following: (1) a language disorder characterized in terms of comprehension and/or use of words and their meanings (semantics), grammatical patterns (syntax and morphology) and speech sounds (phonology); (2) a speech disorder characterized by difficulty in producing speech sounds (articulation), maintaining speech rhythm (stuttering) and controlling vocal production (voice) and (3) a speech or language disorder characterized by difficulty in receiving and understanding speech without auditory training, speechreading, speech and language remediation and/or a hearing aid.

### 2. Placement and Eligibility

Eligibility for speech and language services shall be determined on the basis of a comprehensive evaluation by a fully certified speech and language therapist. This evaluation consists minimally of assessment of the student's (1) articulation, (2) language, (3) fluency, (4) voice, (5) hearing acuity and (6) adequacy of the oral mechanism. In children suspected of having a voice disorder, an evaluation by a laryngologist is also necessary in order to determine (1) the status of the vocal mechanism, (2) the efficacy of speech therapy for correcting the cause of the vocal disorder. Placement of students shall be made in accordance with due process.

### 3. Continuum of Services

Local school systems shall develop and implement comprehensive speech and language programs, emphasizing a continuum of service levels for all students in need of such services. Specific provision shall be made for the following.

#### a. Direct Service

This component is designed for students identified as having speech and language disorders. The behavior of concern will be modified in a program of intervention provided by the therapist. Only children receiving direct services are considered active case load. Case load will vary according to the nature and severity of the communication handicaps of students served by the therapist. Levels of severity must be related to the student's overall operative potential.

Severe

Student cannot be understood by and/or understand most persons without great difficulty; significantly prevents student from using verbal expression as a communication avenue.

Recommended case load: Maximum of 20 (minimum of nine contact hours per school month per student)

Moderate

Student can be understood by and/or understand most persons but has difficulty using verbal expression for effective communication.

Recommended case load: Maximum of 40 (minimum of five contact hours per school month per child)

Mild

Student can be understood by and/or understand anyone but has some deviation from normal speech and language which calls attention to itself.

Recommended case load: Maximum of 60 (minimum of three contact hours per school month per child)

b. Indirect Service

This component serves children identified as having communication deviations such as mild developmental articulation problems, language problems associated with cultural differences, functional voice deviations that are transitory in nature and mild hearing loss requiring minimal rehabilitation. The behavior of concern will be modified in a program of intervention by a person other than the therapist, with the therapist acting as consultant. Services may include in-service with school personnel and demonstration teaching in the classroom.

Recommended case load: Maximum of 10 hours per school month is recommended for indirect services.

c. Observation

This component is designed for children who are being considered for direct service. The behavior of concern is measured periodically by the therapist to determine if change has occurred without direct service.

d. Maintenance

Children eligible for this component will have previously received direct or indirect service. The behavior of concern will be periodically measured by the therapist to determine its stability.

Measurement is a component throughout all service levels. The therapist will record measurement data at regular intervals to be determined by the local system.

4. Delivery Models

While speech and language services will generally be provided on an itinerant or resource basis, provision shall be made for alternative delivery models as dictated by locally identified needs.

## G. Physically, Multiply Handicapped and Other Health Impaired

1. Definition

   a. Physically Handicapped

      These are children whose body functions or members are so impaired, from any cause, that they cannot be adequately or safely educated in regular classes of the public schools on a full-time basis without the provision of special education services.

      Physically handicapped may refer to conditions such as

      (1) muscular or neuromuscular handicaps which significantly limit the ability to move about, sit or manipulate the materials required for learning;

      (2) skeletal deformities or abnormalities which affect ambulation, posture and body use necessary in school work;

   b. Multi-Handicapped

      Multi-handicapped may refer to children who have some physical or sensory handicap and one or more additional handicapping condition(s) which are educationally significant to the extent that they cannot respond to regular instructional techniques provided for students in other special education programs for the physically handicapped or mentally handicapped.

   c. Other Health Impaired

      These are disabilities which result in reduced efficiency in school work because of temporary or chronic lack of strength, vitality or alertness due to acute health problems. Examples would include heart conditions, tuberculosis, rheumatic fever, nephritis, asthma, sickle cell anemia, hemophilia, epilepsy, leukemia or diabetes.

2. Eligibility and Placement

   In addition to the information required in the general section, for a child to be determined eligible for placement in these special programs, he must have

   a. Current medical report from physician or physicians qualified to assess his physical problems, indicating a description of handicapping condition and any medical implications for instruction;

   b. Annual medical examination to determine changes in the physical condition of the child and medical implications reflecting appropriateness of continued special education service for that condition;

   c. Health impairments so severe that maintenance in the regular school program is inappropriate. Homebound services may be utilized if it is indicated by medical personnel that a student's physical condition precludes his attendance in the regular school system.

   d. Arbitrary restrictive criteria, including incontinence and immobility, shall not be applied.

3. Enrollment

The recommended enrollment should not exceed:

| | |
|---|---|
| Self-contained | 10 |
| Resource/Itinerant | 6 |

The case load number for itinerant may vary according to geographic distances covered and severity of handicaps of children served. Identified children with other health impairments may be served by existing programs for physically handicapped or hospital/homebound. One teacher aide per class is recommended.

4. Facilities and Equipment

In addition to the requirements found in the section on general provisions, alterations to school plant facilities, such as the installation of ramps and handrails, are recommended. Architectural barriers that prevent the student from using the school facilities should be eliminated.

## H. Hearing Impaired

1. Definition

A hearing impaired child is one who exhibits a hearing loss which interferes with his or her acquisition or maintenance of auditory skills necessary for the development of speech and language.

This may include children who are hearing impaired due to congenital or acquired factors. The educational classification and class placement of hearing impaired children shall depend primarily on the child's communication ability which is determined in part by age of onset, severity of loss, type of loss, educational abilities and presence of other handicaps.

2. Eligibility and Placement

Otological and audiological evaluations shall be provided with initial referral. In addition to the information required in the general provisions, hearing impaired students shall have audiometric evaluations under the supervision of a certified/licensed audiologist and medical evaluations by licensed medical doctors. These evaluations should be updated every two years or as otherwise indicated.

3. Enrollment

Maximums should be reduced as dictated by the individual needs of students. Itinerant may include parent/infant services as hearing impaired may be served as early as identified. The recommended enrollment for the Hearing Impaired should not exceed:

| | | | |
|---|---|---|---|
| Self-contained | 8 | Itinerant | 12 |
| Resource | 12 | Preschool | 6 |

4. Facilities

In addition to the information contained under general provisions, any classroom for hearing impaired students should be in a location away from undue noise and interruption. Amplification equipment shall be provided as necessary. It is recommended that the room be carpeted, draped or otherwise sound-treated and air conditioned.

## I. Audiology

Audiology is a diagnostic/evaluative/support service which is available for all of the public school population. It is not one of the special education teacher/clinician categories for a single exceptionality.

1. Role of the Audiologist

The role of the audiologist shall consist of audiological needs assessment and development and maintenance of means of meeting these needs. These may include

a. providing for hearing conservation services, such as

(1) screening (routine grade schedule, all newly entering students, previous failures, post-remarkable illness students, remedial classes, special education classes including students served by resource or itinerant teachers and teacher referrals);

(2)screening prior to additional special services and evaluation shall include impedance audiometry and pure tone screening at 500, 1000, 2000 and 4000 Hz at 25 db level. This shall be done under the direct supervision of a certified and/or licensed audiologist. Direct supervision shall entail the development of a plan by a certified and/or licensed audiologist and approval by the local education agency.

(3) follow-up evaluations and services (differential diagnostic and audiological evaluations, interpretations and recommendations to teachers; referrals to other agencies and specialists and monitoring of progress);

b. providing for habilitative and rehabilitative services (hearing aid orientation, evaluation of hearing aid functioning, evaluation of techniques of remediation and ongoing planning and maintenance of habilitative and rehabilitative services to students);

c. providing for maintenance of appropriate records and utilization of data to evaluate and revise program procedures and techniques. Records shall be kept confidential and released to other agencies only with written permission from parent or legal guardian;

d. providing consultative services (information to teachers and administrators, supervision or training of screeners, in-service training and demonstrations, parent counseling);

e. developing and maintaining liaison with agencies and communities which will provide services complementary to the educational audiology services;

f. participating as a member of placement committees consistent with procedures set forth in procedural due process.

2. Establishment of Staffing and Program Needs

a. Each local education agency, either through its own facilities or through its Cooperative Educational Service Agency (CESA), should provide audiological services. A ratio of one public school audiologist per 20,000 ADM is recommended.

b. The services shall be planned and maintained by individuals who hold current Georgia Department of Education certifications in audiology and who are full-time employees of the public schools.

c. These audiologists may utilize services of part-time or nonemployees of the public schools, provided those employees work under the direction and supervision of the public school audiologist and meet at least one of the following criteria.

   (1) Hold current State of Georgia license in audiology.

   (2) Hold all current appropriate professional technical and business licensure in Georgia and show evidence of being a current authorized representative or affiliate of each manufacturer whose products they service.

d. For the purposes of screening, trained volunteers may be utilized providing their work is supervised and interpreted by a certified public school audiologist.

e. At least minimum equipment should be provided and housed in an adequate size and design suite or mobile unit which has been sound-treated. A list of equipment and specifications for audiological services will be provided by the Program for Exceptional Children, Georgia Department of Education.

## J. Intellectually Gifted

### 1. Definition

Students are intellectually gifted if their potential cognitive powers, when developed, qualify them to become high-level innovators, evaluators, problem-solvers, leaders or perpetuators in the complex society in which they live. Cognitive powers as used in this definition signify the complete range of intellectual functions, sometimes referred to as intellect, intelligence or mental abilities. Included are psychological concepts such as thinking, abstract reasoning, problem-solving, creativity, verbal comprehension, numerical facility among others.

### 2. Eligibility and Placement

For a student to be eligible for placement in a special program he or she must have the potential to perform at a significantly higher level than the average student. Significantly higher level refers to performance which places a student at least 1 1/3 standard deviations above the mean of the mental ability tests administered. Placement must be decided by the local placement committee after careful review of a complete case study on the student, which includes data relative to student's cognitive abilities, special interest, psychological data, school achievement, emotional and social maturity, creative ability and recommendation of teacher.

### 3. Delivery Models and Enrollment

In addition to the special class and resource room delivery models described in Section III.B of this document, gifted programs may be offered through the following special arrangements. These models should be coordinated by a certified teacher of the gifted.

For earning purposes for Section 5 units, the recommended enrollment for any model should not exceed 75.

a. Resource Room

See Section III.B for a definition of resource room program.

(1) The maximum case load for a resource teacher of the gifted is 60. At no time should the resource teacher work with more than 12-15 students in a resource room setting. The case load for the itinerant resource teacher may be lower in order to allow for travel.

(2) Students should spend the equivalent of one full school day each week with the resource teacher.

b. Cluster Grouping

The teacher of a cluster should participate in a basic in-service education program in the area of the gifted. Desirably, this person should be fully certified in the area of the gifted.

c. Extended Day Program

Regular classroom teachers and volunteers should participate in in-service training programs in the area of the gifted.

d. Independent Study

Teacher-sponsors or advisers for independent study programs should participate in a pre-service workshop prior to beginning a program.

e. Advanced Placement Courses*

The regular classroom teacher who teaches advanced placement classes should participate in in-service programs in the area of the gifted.

f. Special Seminar

A small group of students with common interests and concerns meets regularly, short or long-term, for the purposes of study, discussion and exchange of ideas.

g. Joint Enrollment Program

(1) Students enrolled in such programs receive both high school and college credit. Such students should meet state regulations for attendance in the secondary school in order that ADA credit may be claimed by the local education agency.

(2) Students may attend college full time and receive secondary school credit toward graduation for courses successfully completed. No ADA may be claimed by the local education agency for such students.

(3) Local education agencies and colleges or universities participating in joint enrollment programs should have agreements and policies that govern the operation of the program.

*Refers to program available through College Entrance Examination Board.

## K. Deaf-Blind

1. Definition

   "Deaf-blind" means concomitant hearing and visual impairments, the combination of which causes such severe communication and other developmental and educational problems that they cannot be accommodated in special education programs solely for deaf or blind children.

2. Placement and Eligibility

   For a child to be determined eligible for placement in special programs for the deaf-blind, the child must have

   a. current medical report from physician or physicians qualified to assess the child's physical problems, indicating a description of handicapping conditions and any medical implications for instruction.

   b. current audiological and opthalmological examinations from qualified professionals.

   c. current Individualized Educational Program (IEP) developed through an appropriate staffing.

3. Enrollment

   The recommended enrollment for Deaf-Blind should not exceed:

   | | |
   |---|---|
   | Self-contained | 6 |
   | Resource/itinerant | 4 |

   The case load number for itinerant may vary according to geographic distances covered and severity of handicaps of children served. In the self-contained classroom it is recommended an aide be provided full-time.

4. Facilities and Equipment

   In addition to the information contained under General Provisions, facilities and equipment under the Hearing Impaired and Visually Impaired will be provided to the deaf-blind child.

## V. SPECIAL PROGRAMS

### A. Special Grant Program for Handicapped Children

Authorization

Georgia Code 32-609a (1974, 1975)

The State Board of Education shall have authority to provide for implementation of other educational programs not ordinarily coming within the prescribed curricula of the public schools, which may or may not require use by local units of additional specially qualified personnel and special equipment necessitating allotment of additional personnel and funds. The State Board is authorized to establish priorities, standards and criteria for implementation and operation of such programs as the board may, in its discretion, find necessary or desirable to implement on a statewide basis. Local units may, prior to implementation of such programs by the State Board, implement such programs, establish a uniform basis for allotment of additional personnel and funds if such additional allotments are necessary for operation of such programs.

Definition

A multi-handicapped child is one who has two or more severe handicaps, that are identifiable as diagnoses (according to the Standard Nomenclature of Diseases and Operations) which prevent him or her from receiving an education in his or her local education agency or a state-supported school. (Example: deaf/blind, cerebral palsied/deaf, mentally retarded/blind, behavioral disordered/mentally retarded.)

A trainable mentally retarded child will usually have an intellectual ability of approximately one-third to one-half that of the average child of a comparable chronological age. This child may be expected to benefit from a program designed to further his or her socio-economic usefulness in his or her home or sheltered environment or residential setting. The TMR individual has the potential for personal, social and emotional growth leading to productive living under supervision or within a sheltered environment. The performance on the individually administered psychological examination shall lie more than three standard deviations below the mean on the tests utilized. Arbitrary restrictive criteria, including incontinence and immobility, shall not be required.

Other Handicapped

Other handicapped children may be eligible for assistance if it is determined by the local placement committee and certified by the superintendent that the handicap is so severe that the system cannot provide services. Such cases must also be evaluated and approved by the state criteria and selection committee.

Appropriation

Qualified multi-handicapped trainable mentally retarded and certain other severely handicapped children ages 3-18, with priority to the school aged are eligible for state and federal financial support to receive an appropriate education outside the local school district.

1. Each local school district must assume financial responsibility equal to the percent of their annual charge back requirement.

2. Additional financial assistance is available through application to the State Department of Education for Multi-handicapped and Trainable Mentally Retarded

Grant Programs and Title VI-B funds. Applications for financial assistance can be secured from the Program for Exceptional Children, Georgia Department of Education.

All Due Process requirements must be met prior to placement outside the local school district and the school must meet the Standards in Private Schools administered through the School Standards and Proprietary Schools Section of the Department of Education.

## B. Psychoeducational Centers for the Severely Emotionally Disturbed

1. Definition of Children to be Served

All centers shall accept children ages 3-14 years. Infants from three months to three years shall be served by the center staff in well baby clinics, community service centers or in parents' homes.

The major admission requirement will be the presence of an emotional or behavioral disorder severe enough to require a special child treatment program or a special education program not available in the public school or the community. Children with secondary handicapping conditions such as mental retardation, learning disability, neurological disability, hearing loss or developmental delay will be accepted if the primary disability is a severe emotional or behavioral disorder. Children who have mild to moderate behavior or discipline problems are not eligible.

2. Eligibility and Placement

Based upon psychological or psychiatric evaluation and appropriate center staffing, one or more of the following characteristics exhibited by the children may be regarded as eligibility for placement.

a. Severe emotional disturbance such as, but not limited to, childhood schizophrenia, autism, severe emotional deprivation and adjustment reactions.

b. Severe behavioral disorders such as, but not limited to, neurological impairment, cultural deprivation and developmental lag.

c. Severe school-related maladjustment such as, but not limited to, behavior, socialization communication and academic skills.

3. Regulations and Procedures

In compliance with a provision of the budget, item 624.44, Centers for Severely Emotionally Disturbed, the Georgia Department of Education shall receive funds appropriated by the Georgia General Assembly. The Office of Instructional Services, Division of Special Programs, Program for Exceptional Children, shall

- develop rules, regulations and procedures pertaining to the operation of psychoeducational centers, subject to review and approval by the State Board of Education.
- review proposals for funding and make recommendations to the State Board of Education.

a. Regulation

A contract shall be awarded to an approval fiscal agent for the operation of a center to serve severely emotionally disturbed or behaviorally disordered children ages 0-14.

Procedure

(1) The fiscal agent shall

(a) serve as a fiscal agency for the receipt and disbursement of all grant and APEG Section 5 funds;

(b) transfer upon receipt of all grant and APEG Section 5 funds including maintenance and operation, textbooks and consumable materials and sick leave to restricted center accounts;

(c) Maintain appropriate bookkeeping procedures to insure the expenditure of funds as indicated in the approved proposal (For information on procedures, the Georgia Accounting Handbook may be used.)

(d) Provide appropriate information as required by the State Department of Education, Office of Instructional Services, Division of Special Programs, Program for Exceptional Children, including

(i) Monthly Reports of Services to Children and Parents.

(ii) Quarterly Documentation of Proposal Objectives.

(iii) Annual Report of Services to Children and Parents.

(iv) Documentation of Proposal Objectives.

(v) Quarterly Financial Report.

(vi) Annual Financial Report.*

*By July 10 of the following Fiscal Year, provide the Georgia Department of Education, Fiscal Services Division, Cash Management Section, 119 State Office Building, Atlanta, Georgia 30334, an Annual Financial Report, a detailed list of encumbered items and a check for the remaining unexpended funds.

(2) Three copies of each proposal must be submitted to the Georgia Department of Education, Office of Instructional Services, Atlanta, Georgia 30334 for review and approval.

(3) Each proposal for funding must contain a letter of support and cooperation from each superintendent. It is recommended that the mental health chief(s) provide written support in the center service area.

(4) Upon receipt and approval of a proposal for funding, a contract to operate a psychoeducational center will be awarded by the State Board of Education to a fiscal agent. This contract will indicate the amount of grant funds plus the number of APEG Section 5 units allotted.

b. Regulation

An Advisory Board shall be established, composed of all system superintendents or their representatives. District mental health chief(s) or their representative and representatives of other child service agencies within the center service area may serve as active or ex officio members of the board.

Procedure

(1) The Advisory Board shall meet at least quarterly.

(2) Responsibilities of the board shall include, but not be limited to

(a) endorsement of proposal for funding, including service delivery model, staffing pattern, objectives and budget;

(b) review of service delivery model and recommendations for program improvement;

(c) review of Services to Children and Parents data quarterly.

(c) Regulation

Guidelines for the budget should be established to cover all areas of expenditures.

Procedure

(1) Budgets will be determined annually according to appropriations and population to be served by centers.

(2) Management of center budgets will be consistent with state fiscal policy.

(3) Deviations of more than five percent in any Budget Series of the approved project budget must be approved by the fiscal agent and submitted to the Georgia Department of Education in writing for approval.

(d) Regulation

The procedures outlined below shall be operative in regard to personnel for centers.

Procedure

(1) Minimum salary schedules should be established by either Georgia Department of Education certification requirements or Georgia Merit System rating in the area of job responsibility.

(2) Personnel salaries cannot exceed those being paid local school system personnel with similar training, experience and position.

(3) For each Section 5 unit alloted, the center must operate one center or satellite class four and one-half days per week and one-half day per week for consultation. Those personnel employed utilizing Section 5 funds must perform instructional duties for the regular instruction period each day.

(4) Any positions established which are not described in the approved proposal must be justified in writing and a complete job description attached.

(5) Personnel receiving Section 5 APEG funds must meet the state requirements for all Section 5 APEG positions. Others must meet licensing

requirements in their own respective professional area, i.e., psychiatrist, social worker or receive a merit system rating.

(e) Regulation

The procedures outlined below shall be operative in regard to costs of operation and equipment.

Procedure

(1) Travel expense reimbursement will be based on travel regulations for local school systems and as stipulated in the contract.

(2) State funds may not be utilized to buy snacks for students.

(3) Installation of equipment in, or renovation of, a facility or on property not legally the property of the fiscal agent is prohibited.

(f) Regulation

The procedures outlined below shall be operative in regard to insurance for centers.

Procedure

(1) Insurance coverage may be contracted for center contents.

(2) Insurance coverage may be contracted for liability on pupil transportation vehicles unless already covered by pupil transportation grants.

(3) Insurance coverage may be contracted for professional liability and/or accident and health when provided to all staff by the fiscal agent.

(g) Regulation

The procedure outlined below shall be operative in regard to average daily attendance reporting for children attending a center.

Procedure

Any child served by the center can be counted for average daily attendance by the LEA in which that child spends more than one-half of the school day in regular school programs.

It is recommended that the maximum number of students served in a classroom setting at one time be limited to eight. The recommended enrollment for each teacher during a 12-month period is 16.

(h) Regulation

The procedures outlined below shall be operative in regard to center operation.

Procedure

(1) Each center will operate eight hours, 249 days each fiscal year.

(2) Each center will operate, as a minimum, two-hour classes, four and one-half days per week, 210 days each fiscal year.

## C. Georgia Learning Resources System (GLRS)

Local Georgia Learning Resources System (GLRS) centers shall provide basic teacher support services in the areas of information exchange, special instructional materials and media, staff development and diagnostic/prescriptive programs for children who manifest complex handicapping conditions and whose needs cannot be adequately met at the local level.

Each center shall operate within established state and federal parameters set forth in Regional contracts and under the direction of a local GLRS board. This board shall consist of the superintendents or their designees of each local school system within the GLRS service area. The GLRS board shall jointly determine fiscal, administrative and programmatic concerns in keeping with the state GLRS workscope.

## VI. APPENDICES

### SAMPLE FORM

**Parental Consent for Evaluation**

Date _____

Dear _____ :
(Parent or legal guardian)

Your child, _____ , has been referred for psychological and/or educational evaluation by

| _____ | _____ |
|---|---|
| (Name) | (Position) |
| _____ | _____ |
| _____ | _____ |

Because of learning/behavioral problems, we believe that an assessment of your child's intellectual, emotional and academic status is needed in educational planning. The evaluator who works with your child may use tests of intellectual, emotional, perceptual and/or language function. In addition prior to this evaluation your child will be screened for vision and hearing difficulties.

Should you desire to accompany your child to the evaluation and/or be informed of the specific time and date of the evaluation, you should contact _____ (school), _____ (psychologist), _____ (phone number) immediately.

Within 30 school days following the evaluation, you will be given the opportunity to discuss the results with the examiner. You have the right to challenge the results of the evaluation by presenting an independent evaluation by an approved examiner.

No change will be made in your child's educational program until you are consulted. You will be given the opportunity to participate in all program committee meetings when the educational recommendations for your child are being developed. Such meetings will be held at a preannounced time to enable you to be present if you so desire.

In the event that no response is received from you within 15 school days, an appropriate school official will visit your home to determine the reason for lack of response.

Should you have any questions as to the reasons for the referral or the nature of the evaluation, you should call the school.

A local mediation process or an impartial hearing by a state hearing officer is available for the purpose of impartially judging the evaluation if a conflict exists. Either you or the local school system may file an appeal for mediation or a hearing within 15 days of lack of response or a signed negative response.

Please return the attached form indicating your agreement or unwillingness to have your child evaluated.



Appendix A
(1 of 2)

SAMPLE FORM

**Parental Consent for Evaluation**

Please sign and return this form indicating whether or not you agree to have your child evaluated.

I have read or have had read to me the attached letter requesting permission to evaluate my child,

_____ .

_____

(Signature)

Check One Below

_____ I agree for the _____ School System to carry out psychological and/or educational evaluation of my child. (You will be notified as to time and place.)

_____ I do not agree for the following reasons. _____

_____

_____

_____

Signature of parent or legal guardian

_____

Date

**Appendix A**
**(2 of 2)**

**SAMPLE FORM**

**Parental Consent for Placement**

Dear _____ :

On _____ , the Special Education Placement Committee of your child's school met. As a result of this meeting, the following recommendations were made regarding _____ (name of child) .

The Special Education Placement Committee recommended that your child receive help through the _____ (name of program) program located in _____ (school) . Attached is a statement of the reasons for the proposed action, including specific tests or reports upon which the proposed action is based. Within 30 days of receipt of your consent for placement, an individual educational plan will be developed for your child. This plan will include levels of functioning, goals, objectives, methods and procedures. You may participate in the development of this plan by indicating your desire on the attached (or enclosed) parental consent form.

If there should be a question about this placement, you may request a conference. However, the burden of proof regarding the placement recommendation lies with the school system. In addition, an independent evaluation by a certified or licensed examiner may be obtained if you so desire.

The minutes of the Placement Committee meeting, school files, records and reports are on file at the school and may be examined by you if you so desire and copies may be obtained for a minimal fee.

No change will be made in your child's educational program until you are consulted.

A local mediation process or an impartial hearing by a state hearing officer is available for the purpose of impartially judging the placement if a conflict exists. Either you or the local school system may file an appeal for mediation or a hearing within 15 days of lack of response or a signed negative response.

In the event that no response is received from you within 15 school days, an appropriate school official will visit your home to determine the reason for lack of response.

The attached form should be completed and returned to your child's principal as soon as possible.

Sincerely yours,

_____

(Special Education Coordinator)

Date: _____

**Appendix B**
**(1 of 2)**

SAMPLE FORM

**Parental Consent for Placement**

I have read, or have had read to me, the following statement.

This is to certify that I am aware of the recommendation that _____ (Name) _____

participate in the _____ (Program) _____ at _____ (School) _____.

I understand that this placement has been considered and recommended by the Special Education Placement Committee, and that it is believed to be the best educational placement at this time for my child.

_____ Yes, I do agree with this placement.

_____ No, I do not agree with this placement.

Reasons for non-agreement: _____

_____

_____

_____ I would like a conference concerning my child's placement.

_____ Yes, I do wish to participate in the development of my child's individual education plan.

_____ No, I do not wish to participate in the development of my child's individual education plan.

_____

Parents or guardians Date

_____

Teacher Date

_____

Principal Date

Appendix B
(2 of 2)

**SAMPLE FORM**

**Notification of State Hearing Review**

Dear _____:

Due to written request by _____ (Name of Parent), a meeting has been scheduled with State Hearing Officer for the purpose of evaluating the appropriateness of the decision of the _____ (Name of System) Special Education Placement Committee concerning _____ (Name of Student)'s advised placement in a class for _____ (Area of Exceptionality).

The hearing will be conducted on _____ (Date), at _____ (Address) and begin at _____ (Time).

As the parent of _____, you may inspect, at reasonable times, copies of all records pertaining to your child developed by the school system or by its agents or employees, including all tests or reports upon which the proposed placement action was based.

The officer will consider independent medical, psychological or educational evaluations by a certified or licensed examiner.

In addition, you may be represented at your own expense by counsel or other individuals at any stage of the hearing process.

The above hearing will be closed to the public unless you request, in writing to the State Hearing Officer, that the hearing be open to the public. However, in such an instance, the school system's attorney, appropriate staff members of the local board of education and other persons requested by either the school system or you and approved by the Hearing Officer may be present.

Both parties may present testimony or evidence to the review board and both parties will have the opportunity to question witnesses. Either party may lawfully subpoena or compel the attendance of witnesses during the due process hearing. All proceedings will be recorded on tape or by other appropriate means. The burden of proof as to the appropriateness of any proposed action will be upon the local school system.

At the conclusion of the hearing the State Hearing Officer shall report the decision to all concerned parties in writing within a reasonable period of time, but not to exceed 20 school days. The written decision of the State Hearing Officer shall be based solely upon the evidence presented at the hearing and shall include a summary of the hearing and the reason for the decisions. As the parents, you have the right to receive a copy of the written findings of fact accompanying the decision of the hearing.

The written findings or decisions of the State Hearing Officer are to be transmitted to the State Advisory Panel for Special Education.

The State Hearing Officer has the authority to confirm or reject the recommended special education programs for your child.

Unless an appeal is made within 30 days for Civil Action the decision will be binding on all parties.

Sincerely,

**Appendix C**

Chairman

**SAMPLE FORM**

**Notification of Local Mediation**

Dear _____ ,

On _____ (Date) _____ , a request was initiated for a mediation conference regarding the special education services to be provided _____ . The mediation process will provide an opportunity for you to discuss your differences and hopefully to resolve them. It should be noted that the informal mediation process will be no way defer or interfere with a due process hearing which may have been requested by either party involved.

This conference will be held on _____ (Date) _____ at _____ (Time) _____ at _____ (Place) _____ . Prior to this meeting, you may examine all records pertaining to your child. If you should so desire, an independent evaluation will be considered. You may be represented by a third party at this time. If you should desire to have someone accompany you, please notify me. You will be provided opportunity to present all concerns and evidence regarding your child's educational program.

The proceedings will be recorded and you will be provided written findings of fact accompanying the decision of the mediation. The burden of proof regarding the appropriateness of your child's program will be upon the local school system.

If you have any questions prior to this mediation, please let me know.

Sincerely,

_____

(Mediator)

Appendix D

**SAMPLE FORM**

**Authorization To Release Information**

I hereby authorize

_____

(Agency)

_____

_____

to release all available education, psychological, immunization, screening and _____ (Other) _____ information on my child, _____ (Name) _____,

_____ (Birthdate) _____.

to

_____

(Agency)

_____

_____

It is understood that the party to whom this information is released will not release it to a third party.

I understand and agree to the above statement.

_____

Signature Date

(Authorization to be kept on file.)

**Appendix E**

## DEFINITIONS

**Special Education Advisory Committee** - A standing or permanent committee composed of school and nonschool personnel which functions in an advisory capacity to the local superintendent and school board on matters pertaining to special education.

**Special Education Placement Committee(s)** - A committee or committees composed of various school personnel whose primary function is placement recommendations of children referred for special education services. There may be only one committee for an entire school system or various committees for a school or group of schools.

**Age Of Majority** - Upon reaching the age of 18, or if under 18 and enrolled full time in an institution of post-secondary education, a student is no longer considered to be a minor and, therefore, possesses all the legal authority formerly held by the parents. The age of majority would not apply to any person who is declared legally incompetent. Further, in the event a minor is married before the age of 18, he or she is considered emancipated. Consequently, in the absence of any laws stipulating age 18, an emancipated youth has legal authority.

**Parent** - A natural mother or father, an adoptive mother or father, or a legally appointed guardian. The term "parent" also includes the child if he or she has reached the age of majority.

**Surrogate** - A person authorized to act in place of parents or guardians when a child's parents or guardians are not known, are unavailable, or the child is a ward of the State.

**Instructional Day** - The total amount of time required by an individual school system for instruction to any given age group. State minimums must be maintained.

**Hearing Review Boards** - A tribunal of persons assigned to preside at a due process hearing and whose function it is to assure that proper procedures are followed. The hearing review boards may be the local board of education or its designees or the State Board of Education or its designees.

**Least Restrictive Environment** - The educational environment in which the child can function most effectively.

**Advisory Panel** - A panel, appointed by the Governor or any other official authorized under state law to make such appointments, composed of individuals involved in or concerned with the education of handicapped children, including handicapped individuals, teachers, parents or guardians of handicapped children, state and local education officials and administrators of programs for handicapped children, which (a) advises the state education agency of unmet needs within the state in the education of handicapped children, (b) comments publicly on any rules or regulations proposed for issuance by the state regarding the education of handicapped children and the procedures of distribution of funds under this part, and (c) assists the state in developing and reporting such data and evaluations as may assist the Commissioner in the performance of his or her responsibilities. The State Advisory Council for Instructional Services (SACIS) may serve as this panel.

**Free Appropriate Public Education** - Special education and related services which (a) have been provided at public expense, under public supervision and direction, and without charge; (b) meet the standards of the state education agency; (c) include an appropriate preschool, elementary or secondary school education in the state involved and (d) are provided in conformity with the individualized education program.